

SN. 10/091,814

ATTORNEY DOCKET NO. YAMA:042

REMARKS

Claims 1-24 remain pending in this application for which applicants seek reconsideration.

Amendment

The specification has been amended to remove the cross reference section. A new title more accurately describing the present invention has been given. Claims 1, 7, 9, 15, and 17-24 have been amended to improve their form. In particular, the missing articles have been inserted in claims 1, 7, 9, 15, and 17-20 to improve their form, and the preamble of claims 21-24 has been corrected to a --storage device storing a program for ---, which is the accepted format for claiming a computer program. Lastly, claims 1 and 21 have been amended to clarify that the "replacement accompaniment data" --includes performance event data having timing information--. No new matter has been introduced.

Allowable Claims

Claims 9-16 were allowed, and claim 22 was indicated to be allowable if it is placed in independent form. As claim 22, which parallels allowed claim 9, is already in independent form, applicants submit that claim 22 is in condition for allowance.

Art Rejection

The examiner rejected claims 1-5 and 21 under 35 U.S.C. § 102(b) as anticipated by Ito I (USP 5,736,664), claims 1-8, 17-21, 23, and 24 under § 102(b) as anticipated by Itoh II (USP 5,920,025), claims 1-8, 17-21, 23, and 24 under § 102(e) as anticipated by Tozuka (USP 6,376,760). Applicants traverse these rejections because none of these references would have disclosed or taught the reproducing features set forth in claims 1/21, 17/23, and 19/24.

Claims 1, 17, and 19 each call for an automatic accompaniment apparatus having a storage unit that stores accompaniment data for automatic accompaniment, and a reproducing unit that reads the stored accompaniment data and reproduces the read accompaniment data.

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In claim 1 (and counterpart claim 21), the storage unit stores basic accompaniment data and replacement accompaniment data, which includes performance event data having time information, such as note-ON and note-OFF information. The reproducing unit reads the stored accompaniment data and reproduces the read accompaniment data by replacing part of the basic accompaniment data with the replacement accompaniment data.

Itoh I discloses an automatic accompaniment device where automatic accompaniment data (for a plurality of sections) is preliminarily stored in a storage device. Here, the automatic accompaniment data read from the storage performs automatic accompaniment for a specified section. If, however, automatic accompaniment data for the specified section is not stored in the storage, accompaniment data for another specified section is substituted to perform automatic accompaniment. Moreover, when a change-over to another section is instructed during the performance of a specified section, the automatic performance of the specified section is stopped, and automatic performance of another section is started. Itoh I's accompaniment data does not include performance event having timing information, such as note-ON, note-OFF. Accordingly, Itoh I would not have anticipated or taught replacing a portion of the basic accompaniment data with the replacement accompaniment data that includes performance event data having time information.

Itoh II similarly fails to disclose or teach replacing a portion of the basic accompaniment data with the replacement accompaniment data that includes performance event data having time information. Itoh II discloses modifying performance data relating to the aural or tonal information, such as revoice parameters (such as tone color, volume, special effects), groove and dynamic parameters (i.e., sound shaping parameters, namely velocity, time gate, tone generation timing), drum replacement (such as drum tone color), and reference style. See Itoh II, column 6, lines 11-45. These modification parameters and data all relate to aural or tonal information and not performance event data having time information, such as note-ON and note-OFF instructions.

Tozuka relates to an electronic musical instrument having a piano style switch that can be used to change various settings, such as accompaniment style, tempo, tone color for the keyboard performance, etc. Tozuka is completely silent regarding replacing or modifying accompaniment

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style data with a different one. Accordingly, Tozuka also would not have anticipated or taught claims 1 and 21.

In claim 17 (and counterpart claim 23), the storage unit stores accompaniment style data, including accompaniment data for automatic accompaniment and panel setting information for controlling a style of a musical tone to be generated. The panel setting information includes musical tone type designating information for designating a musical tone type to be assigned to an input unit by using a bank number and a program number. The reproducing unit reads the stored accompaniment style data and reproduces the read accompaniment style data. According to this arrangement, when a common program number is assigned to a plurality of musical tone types of similar characteristics, when the automatic accompaniment apparatus cannot generate a musical tone of the type designated by the musical tone type designating information, a replacement musical tone of a type corresponding to a different bank number and a program number in the musical tone type designating information can be easily designated.

In claim 19 (and counterpart claim 24), the storage unit similarly stores accompaniment style data, which includes accompaniment data for automatic accompaniment and panel setting information for controlling a style of a musical tone to be generated. Here, the panel setting information includes harmony tone type designating information for designating a harmony tone type to be added to the performance information by using a bank number and a program number. The reproducing unit reads the stored accompaniment style data and reproduces the read accompaniment style data.

Itoh I, Itoh II, and Tozuka all fail to disclose or teach manipulating accompaniment style data that includes panel setting information for designating a musical or harmony tone type to be assigned to an input unit or added to the performance by using a bank number and a program number. Accordingly, none of these references would have anticipated or taught claims 17, 19, 23, and 24.

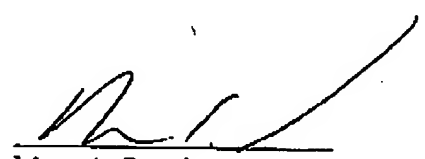
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Conclusion

Applicants thus submit that claims 1-24 are in condition for allowance, and thus urge the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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